

DEPARTMENT OF SOCIAL SERVICES

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ALL COUNTY LETTER NO. 84-07

ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS

PHASE II OF SB 14 TRAINING

During the training sessions for implementation of Phase II of SB 14, some questions were raised which were not answered. Attached is a listing of the questions, which were collected during the August and September training, and responses.

If you need further information, please contact your Adult and Family Services Program Management Consultant at (916) 445-0623 or ATSS 485-0623.


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Attachment

cc: CWDA

EMERGENCY RESPONSE PROGRAM

Ques. 1 What is starting date for Family Reunification (FR) services? Specifically, how does this interface with starting and ending date of services provided under Emergency Response (ER) and Family Maintenance (FM)?

Ans. A child in the ER Program is eligible for Family Reunification services any time after the detention hearing provided that the parent(s) agree to the provision of these services (Welfare and Institutions Code (W&IC) Section 16507 and Manual of Policies and Procedures (MPP) Section 30-174.13). When these services are provided prior to the dispositional hearing, counties should be aware that the court may order the child's case to be transferred to a different Child Welfare Services Program.

Ques. 2 What if the court orders Emergency Shelter Care beyond 30 days?

Ans. While it is the policy of this department that placements in emergency shelter be as brief as possible, the juvenile courts' orders take precedence. However, OCSS funds shall not be used for more than 30 days of emergency shelter care services in any one episode or in a 12-month period.

Ques. 3 Do reports of death or injury require a two-hour response?

Ans. If an injury is reported, the CWD must make an immediate response. In the situation of a reported death, CWDs are required to determine whether or not siblings are present in the home. If so, an immediate response must be made.

Ques. 4 How much discretion is allowed to community agencies that screen calls?

Ans. Section 30-194.121 directs that "agencies shall provide for the immediate transfer to the County Welfare Department of any call alleging or pertaining to child abuse, neglect or exploitation." (Emphasis ours). Screening must be limited to ascertaining whether or not the call concerns abuse/neglect or exploitation.

Ques. 5 Is documentation required to show process for placement selection?

Ans. Documentation discussing the child's needs (in the assessment) and plans to meet these needs (service plan) should include information related to the rationale for placement selection. The service plan should also include the rationale for placement in a more restrictive setting. (MPP Section 30-154.2 - .23 and 30-156.11)

Ques. 6 What about ethnic and religious standards when selecting a temporary placement facility?

Ans. If reference is being made to AB 2384, the provisions apply in selecting a temporary facility consistent with the best interest of the child. Placement should, if possible, reflect consideration of the racial background, ethnic heritage, religion and cultural heritage of a child.

- Ques. 7 Assessment: Regulations specify any court report prepared by a CWD social worker. In a probation county, the court report is prepared by a probation officer and contains all required elements. May this be used as an assessment?
- Ans. No, Section 30-142.32 specifies that the assessment must be performed by a CWD social worker. This is consistent with W&IC Section 16504 which requires the CWD to operate an ER system, including initial intake services, and W&IC Section 16501 which requires the CWD to retain responsibility for needs assessment and client eligibility determination.
- Ques. 8 Can the assessment and service plan be done at the same time?
- Ans. Section 30-142.1 requires development of the service plan after completion of the assessment. Service needs must logically be identified before a plan of services to address the needs can be developed.
- Ques. 9 Can children in detention be commingled prior to adjudication?
- Ans. Section 30-156.2 contains handbook material citing statute which allows commingling only with children adjudicated pursuant to W&IC Section 601.
- Ques. 10 If a county accepts a courtesy supervision case from another county, is it the responsibility of the receiving county to follow SB 14 regulations?
- Ans. Yes, MPP Sections 30-336.62 through .623 delineates the responsibilities of the sending and receiving counties and both must follow MPP Division 30 (SB 14) regulations. Briefly, a written agreement must be executed specifying that the receiving county will be responsible for providing supervision and services to the child and provide written reports to the sending county.
- Ques. 11 Are Temporary 1344 and 164 forms being revised and combined?
- Ans. The Temp 1344 form is obsolete. The SOC 164 form has been revised to reflect new SOC 291 reporting criteria (See ACL 83-95).
- Ques. 12 What is the current required usage of the SOC 159 in this program?
- Ans. None.
- Ques. 13 Will there be statewide forms for intake, assessment, planning, etc., with boxes to check?
- Ans. No such statewide forms are contemplated at this time. Counties may use whatever format for documentation of these activities that best suits their needs. Counties may contact their Adult and Family Services program management consultant for assistance and examples of formats utilized by other counties.

- Ques. 14 For purposes of determining fees for voluntary services, if a niece or a nephew lives in the home, may they be counted as dependents?
- Ans. MPP Section 30-302(1) states in part, "IRS dependent deduction" is a tax deduction which allows a taxpayer who provides 50 percent or more of the support of a dependent to claim a tax deduction.
- Ques. 15 What about short-term voluntary placements, e.g., two weeks voluntary placement while the parent spends time in jail. Is application of the sliding fee scale required?
- Ans. The sliding fee scale only applies when CWDs are seeking reimbursement from a parent or guardian for voluntary family reunification services.
- Ques. 16 What are SPB equivalents for MSW?
- Ans. Information regarding SPB recognized equivalents for an MSW should be obtained directly from the State Personnel Board, Merit Systems Services, 1209 J Street, Sacramento, 95814, phone (916) 445-0604.
- Ques. 17 In counties where the CWD has not been delegated the duties of the probation officer, who is responsible for Emergency Response, probation or CWD?
- Ans. W&IC Section 16504 clearly requires the CWD to be responsible for Emergency Response in all counties effective October 1, 1983.

FAMILY MAINTENANCE PROGRAM

- Ques. 1 When does the FM clock start for children currently receiving CPS? Will there be time allowed for implementation and will counties be required to meet FM Program requirements during implementation?
- Ans. All current CPS cases became FM cases on October 1, 1983. Since SB 14 statutory requirements for the FM Program were signed into law over a year ago with provision for implementation, effective October 1, 1983, there will be no implementation phase-in period for application of FM regulations to existing cases. The Department has attempted to minimize implementation difficulties by sharing drafts of proposed regulations with the counties in the spring of 1983 and through county training on the final regulations one month prior to the October 1, 1983 effective date.
- Ques. 2 Can the court order that FM Program services be provided beyond 12 months? If so, will DSS pay for court-ordered services beyond 12 months?
- Ans. Although contrary to DSS policy that FM case objectives be brought to closure within one year, FM Program services can be provided beyond 12 months pursuant to a court order. DSS will pay for these services beyond 12 months only when such services are specifically ordered by the court.

Ques. 3 Counties are required to have face-to-face contact between the social worker and the child every 15 calendar days. Under certain specific conditions, this contact can be at least once a month. Does at least once a month mean contact at least every 30 calendar days?

Ans. Yes, contact at least once a month means contact at least every 30 calendar days.

Ques. 4 What kind of information should be provided from professionals who are making face-to-face contact with the child or parent? Must the reports from these contacts be in writing? How frequent are these reports due?

Ans. The report from the professional making face-to-face contact with the child or parent should provide the social worker with information about the family's progress in reaching service plan objectives. The reports from the professional to the social worker can be verbal but this information must be summarized and documented in the case record. MPP 30-252.111(c) requires that social worker contact and professional contact be scheduled at no greater than 15-calendar-day intervals. Good social worker practice would indicate that the report from the professional be made no later than 15 calendar days after the contact. The contact report is of little value if this information is not received prior to the social worker's next contact. Additionally, if the reports are received within 15 calendar days after the contact, the social worker knows that contact is being made timely pursuant to MPP 30-252.111(c).

Ques. 5 Is face-to-face contact required with both parents or just the abusive parent?

Ans. In two-parent families with both parents in the home, face-to-face contact is required with both parents. If one of the parents is unavailable, the social worker shall document this in the case record.

Ques. 6 Is face-to-face contact required for all children in home or only children receiving FM services?

Ans. Face-to-face contact is required only for children receiving FM services.

Ques. 7 MPP 30-252.111(b)(1)(2)(3) lists the persons in addition to the social worker who are permitted to make face-to-face contact. Can these people be volunteers?

Ans. If the provisions of MPP 30-252.111(b) and (c) are being met, the people described in 30-252.111(b)(1)(2)(3) can be volunteers. These volunteers can provide alternate face-to-face contact for the first 90 calendar days the Family Maintenance case is open as long as the social worker sees the child at least once a week. Additionally, volunteers must follow DSS regulations and the CWD is responsible for services provided by volunteers.

- Ques. 8 Are parents who are voluntarily participating in the FM Program required to sign the service plan in order to receive services?
- Ans. Yes, parental participation is essential if service plan objectives are to be met. The only means of documenting that the parent understands and is willing to cooperate in achieving service plan objectives is the parent's signature on the service plan. As described in MPP Section 30-234.42, without the signature, there is no verification that the parent is participating voluntarily.
- Ques. 9 Family Maintenance has a statutory time limit of six months with the possibility of two three-month extensions. Are these time limits reflected by court dates?
- Ans. The FM time limits may coincide with court dates but are independent of court dates. Court reviews will continue to be at intervals no longer than six months in length.
- Ques. 10 Can the court order an additional six months of services rather than two three-month extensions?
- Ans. Yes, the court can order an additional six months of services. However, the CWD would be required to continue to do a reassessment at three-month intervals. If findings of a three-month assessment indicated need for a change in the services plan, the social worker should so advise the court.
- Ques. 11 When does the six-month time limit on FM services begin (what starting date will be used for compliance review)?
- Ans. For nondependent children, the clock starts on the date the caseworker's supervisor signs the approval for the transfer to Family Maintenance. For dependent children, the clock starts when the court orders in-home services.
- Ques. 12 If while a child is receiving FM services, and it becomes necessary to temporarily place the child in Emergency Shelter Care, is the case transferred to Emergency Response (ER)?
- Ans. No, there are conditions under which a child could be temporarily placed in Emergency Shelter Care and then returned home. If the court subsequently ordered the child removed from the home, the case would be transferred to the FR Program. Once assigned to an ongoing services program (FM, FR, PP) a continuing case would never be returned to the Emergency Response Program.
- Ques. 13 If a child receives Emergency Shelter Care for 30 days while in the ER Program, will he/she be eligible for another 30 days of emergency shelter care when the case is transferred to Family Maintenance?
- Ans. Emergency Shelter Care has a basic OCSS funding limit of 30 days of the service in a 12-month period, regardless of the program(s) to which the child's case is assigned.

Ques. 14 Can child day care be provided as part of respite care?

Ans. No, child day care is the responsibility of the Department of Education. Out-of-home respite is the provision of prearranged time-limited care in a residential setting. This service is not intended to provide routine ongoing child day care.

Ques. 15 Are volunteers who provide respite care and emergency foster care required to be licensed?

Ans. Yes, unless specifically exempted in licensing statute or regulations, anyone who provides placement and care for over 24 hours is required to be licensed. Additionally, anyone who provides placement and care for a detained child must be licensed.

Ques. 16 To what extent are counties required to provide transportation?

Ans. Transportation must be provided as necessary to meet the service plan objectives when no other means of conveyance is available. In Family Maintenance, only the parent(s) and child for whom the case is opened would be eligible for transportation services as needed as part of the approved services plan.

Ques. 17 Do the time limits apply to temporary in-home caretaker services when the CWD is paying for these services?

Ans. If the cost of the service is paid for by a source other than OCSS funds, the temporary in-home caretaker time limits do not apply.

Ques. 18 When a case is transferred from Emergency Response to another child welfare services program, should the program be specifically named in the court order?

Ans. To initiate the transfer process, the CWD will prepare a court report with a recommendation for transfer to another child welfare services program. For clarity this recommendation should include the name of the program. It is up to the court to determine the content of the court order.

Ques. 19 If the court places a child with a noncustodial parent, is the child in Family Maintenance?

Ans. Under provisions of W&IC Section 362, the court shall order the child to be under the supervision of the Probation Officer (CWD) who may place the child. The court may not directly place a child with an individual. If the CWD places a child with a noncustodial parent, the child would not be in the Family Maintenance Program until the noncustodial parent has custody of the child.

Ques. 20 How many categories of eligibles are there for Family Maintenance?

Ans. There are three categories of eligibles for Family Maintenance:

1. The child has been adjudicated a dependent and the court orders services to maintain the child in the home.
2. The family is willing to accept services voluntarily without court involvement.
3. The court orders that services be provided to keep the family together without adjudicating the child a dependent (W&IC 360a).